

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA
DOCKET NO. 1:19-cv-346

Anstrice Epps,

Plaintiff,

v.

BB&T Corporation,

Defendant.

**NOTICE OF REMOVAL OF CIVIL
ACTION UNDER
28 U.S.C. §§ 1441 AND 1446
(Federal Question Jurisdiction)**

Hoke County Superior Court
File No. 19 CVS 000105

Defendant BB&T Corporation (“BB&T”) hereby removes this civil action to the United States District Court for the Middle District of North Carolina, pursuant to 28 U.S.C. §§ 1441 and 1446. In support of this removal, Defendant states the following:

1. On February 20, 2019, Plaintiff Anstrice Epps (“Plaintiff”) commenced this action against Defendant in the General Court of Justice, Superior Court Division, for Hoke County, North Carolina by filing a Complaint (State Court File No. 19 CVS 000105).

2. On or about February 26, 2019, BB&T was served with copies of the Summons and Complaint. Pursuant to 28 U.S.C. § 1446(a), a copy of the Summons and Complaint that was served on Defendant is attached as **Exhibit A**. No other process, pleadings, or orders have been served on BB&T in this proceeding.

3. Defendant files this Notice of Removal pursuant to 28 U.S.C. § 1446. This notice of removal is being filed with the Court within 30 days of Defendants’ receipt of a copy of Plaintiff’s Complaint, as required by 28 U.S.C. § 1446(b). The time for removing this action to federal court has not expired.

4. Pursuant to 28 U.S.C. § 1446(d), a true and correct copy of this Notice will be filed with the Clerk of Superior Court, Hoke County, North Carolina, promptly after the filing of this

Notice, and written notice will be served on counsel for the adverse party. A copy of the Notice to State Court of Removal to Federal Court (without attachments) is attached as **Exhibit B**, and a copy of the Notice of Removal to Adverse Party (without attachments) is attached as **Exhibit C**.

JURISDICTION

5. This Court has original jurisdiction over this civil action pursuant to 28 U.S.C. § 1331 because Plaintiff brings a cause of action for discrimination and retaliation under the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. § 12101, et. seq.

FEDERAL QUESTION JURISDICTION

6. A district court has original jurisdiction over cases arising under federal law pursuant to 28 U.S.C. § 1331.

7. The allegations set forth in the Complaint render this action a civil action arising under the Constitution, laws, or treaties of the United States, as Plaintiff alleges she was discriminated against in violation of 42 U.S.C. § 12112(a) and retaliated against in violation of 42 U.S.C. § 12203(a), and Plaintiff alleges she is entitled to damages pursuant to 42 U.S.C. § 12117(a). This action is removable to this Court, therefore, pursuant to 28 U.S.C. § 1441.

PENDENT JURISDICTION OVER STATE LAW CLAIMS

8. Pursuant to 28 U.S.C. § 1367, this Court has supplemental jurisdiction over any claims Plaintiff purports to make alleging violations of state law, as such claims are so related to the Plaintiff's federal law claims that they form part of the same case or controversy.

VENUE

9. Removal to the United States District Court for the Middle District of North Carolina is proper under 28 U.S.C. § 1441(a) because the Complaint was filed in Hoke County, North Carolina.

WHEREFORE, Defendant requests that the above-described action now pending against it in the General Court of Justice, Civil Superior Court Division, for Hoke County, North Carolina be removed to the United States District Court for the Western District of North Carolina.

This the 28th day of March 2019.

POYNER SPRUILL LLP

By: s/ Kaitlin C. Dewberry
Kevin M. Ceglowski
N.C. State Bar No. 35703
kceglowski@poynerspruill.com
Kaitlin C. Dewberry
N.C. State Bar No. 50269
301 Fayetteville Street, Suite 1900
P.O. Box 1801
Raleigh, NC 27602-1801
Telephone: (919) 783-2853
Facsimile: (919) 783-1075

**ATTORNEYS FOR DEFENDANT
BB&T CORPORATION**

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing by depositing a copy thereof in an envelope bearing sufficient postage in the United States mail, addressed to the following person at the following address which is the last address known to me:

Anstrice Epps
113 Chowan Ct.
Raeford, NC 28376
Pro Se Plaintiff

This the 28th day of March 2019.

/s/ Kaitlin C. Dewberry_____
Kaitlin C. Dewberry